

MPG:vlg 06/02/03 190509
PATENT

Attorney Reference Number 3790-60721
Application Number 09/930,123

Remarks

By this amendment, claims 1, 6-16, 19 and 20 are amended, and claims 5, 22 and 23 are cancelled without prejudice or disclaimer.

After entry of the amendment, claims 1-4 and 6-21 will be pending.

Independent claim 5 and method claims 22 and 23 have been cancelled without prejudice or disclaimer. Applicants reserve the right to pursue these claims and similar claims in separate applications.

Independent claim 1 has been amended to specify that the particles are "airborne" as opposed to "in the air within the housing and air outside of the housing" to improve the readability of this claim. This amendment does not narrow the literal scope of claim 1.

Because independent claim 5 has been cancelled, dependent claims 6-8, 11-13, 15, 16, 19 and 20 have been amended to depend from claim 1 instead of claim 5. Additionally, these claims and claim 14 have been amended for consistency with the language used in base claim 1 and any intervening claims.

Claims 9 and 10 are amended to specify "about" in accordance with customary practice for reciting approximate numerical values.

Response to Restriction Requirement

Applicants respectfully submit that pending claims 1-4 and 6-21 should be examined together.

The restriction requirement identified Group I as claims 1-4, and Group II as claims 5-20. Because independent claim 5 has been cancelled and dependent claims 6-20 have been amended to depend from independent claim 1, either directly or indirectly, the restriction requirement between Groups I and II should be obviated.

Group IV was identified as including method claims 22 and 23. Because claims 22 and 23 have been cancelled, any restriction requirement relative to Group IV should be obviated.

The only possible remaining restriction requirement is between Group I (now comprising claims 1-4 and 6-20) and Group III (comprising claim 21). Applicants respectfully submit that restriction between Groups I and III is improper.

The Office action contends that the claims of Group I and Group III are different because the Group III claim requires a power supply.

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Applicants respectfully submit, however, that claims of Group I and Group III would be classified in the same PTO subclass, and that a search of the relevant class for either group would encompass a search of the class for the other group, thus posing no undue burden on the Examiner. Therefore, on at least these grounds, Applicant respectfully requests rejoinder of Groups I and III.

Accordingly, prompt and favorable consideration on the merits of claims 1-4 and 6-21 is respectfully requested.

Respectfully submitted,

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